

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN PATRICK MOORE,

Plaintiff,

vs.

Civil Action 2:12-cv-609
Judge Marbley
Magistrate Judge King

BRENT CRUSE, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff has filed a motion to compel judgment by default, Doc. No. 14, arguing that defendants have not responded to the complaint. To the contrary, an answer was filed on behalf of all defendants on August 30, 2012, Doc. No. 13, well within the time authorized.

It is therefore **RECOMMENDED** that plaintiff's motion to compel judgment by default, Doc. No. 14, be denied.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the

Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/Norah McCann King
Norah McCann King
United States Magistrate Judge

DATE: September 10, 2012